

THE HONORABLE JOHN H. CHUN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

FEDERAL TRADE COMMISSION, *et al.*,

Plaintiffs,

v.

AMAZON.COM, INC., a corporation,

Defendant.

CASE NO.: 2:23-cv-01495-JHC

DECLARATION OF MICHAEL
BAKER IN SUPPORT OF
PLAINTIFFS' MOTION TO
COMPEL PRODUCTION OF
DOCUMENTS

FILED UNDER SEAL

I, Michael Baker, declare as follows:

1. I am an Attorney in the Federal Trade Commission's ("FTC") Bureau of Competition, and I represent the FTC in the above-captioned action. I am over eighteen years of age and am competent to testify to the matters set forth in this declaration. I make the following statements based on my personal knowledge.

2. I certify that Plaintiffs conferred in good faith with counsel for Amazon in an effort to resolve the parties' disputes without Court action. Counsel for Plaintiffs and counsel for Amazon have met and conferred at length regarding Plaintiffs' Requests for Production Nos. 32, 376, 377, and 387, both by email and letter exchanges and through telephonic meet and confers,

1 including as follows: April 10, 2024 (RFP No. 32); July 26, 2024 (RFP No. 32); and August 9,
2 2024 (RFP Nos. 376, 377, 387).

3 3. Attached as **Exhibit A** is a true and correct copy of an excerpt from Amazon's
4 Responses and Objections to Plaintiffs' Second Set of Requests for Production to Amazon.com,
5 Inc., dated March 25, 2024.

6 4. Attached as **Exhibit B** is a true and correct copy of an excerpt from a letter from
7 Katie Trefz, counsel for Amazon, to Dan Principato, counsel for the FTC, dated May 3, 2024.

8 5. Attached as **Exhibit C** is a true and correct copy of an excerpt from a letter from
9 Katie Trefz, counsel for Amazon, to Michael Baker, counsel for the FTC, dated October 15,
10 2024.

11 6. Attached as **Exhibit D** is a true and correct copy of Appendix B to a letter from
12 Robert Keeling, counsel for Amazon, to Shira Steinberg, counsel for the FTC, dated August 30,
13 2024.

14 7. Attached as **Exhibit E** is a true and correct copy of a document produced by
15 Amazon with the Bates number Amazon-FTC-CID_07679127.

16 8. Attached as **Exhibit F** is a true and correct copy of a document produced by
17 Amazon with the Bates number Amazon-FTC-CID_02265294.

18 9. Attached as **Exhibit G** is a true and correct copy of a document produced by
19 Amazon with the Bates number Amazon-FTC-CID_01916541.

20 10. Attached as **Exhibit H** is a true and correct copy of an email from Alexander
21 Heldman, counsel for Amazon, to Michael Baker, counsel for the FTC, dated October 25, 2024.

1 11. Attached as **Exhibit I** is a true and correct copy of an excerpt from Amazon's
2 Responses and Objections to Plaintiffs' Fourth Set of Requests for Production to Amazon.com,
3 Inc., dated July 29, 2024.

4 12. Attached as **Exhibit J** is a true and correct copy of an excerpt from a letter from
5 Michael Baker, counsel for the FTC, to Katie Trefz and Madison Arent, counsel for Amazon,
6 dated August 19, 2024.

7 13. Attached as **Exhibit K** is a true and correct copy of an excerpt from a letter from
8 Katie Trefz, counsel for Amazon, to Michael Baker, counsel for the FTC, dated September 18,
9 2024.

10 14. Attached as **Exhibit L** is a true and correct copy of a document produced by
11 Amazon with the Bates number AMZN-RTL-FTC-02635813.

12 15. Attached as **Exhibit M** is a true and correct copy of a document produced by
13 Amazon with the Bates number Amazon-FTC-CID_04140046.

14 16. Attached as **Exhibit N** is a true and correct copy of a document produced by
15 Amazon with the Bates number AMAZON-FTC_00016721.

16 17. Attached as **Exhibit O** is a true and correct copy of an email from Kristen
17 DeWilde, counsel for Amazon, to Michael Baker, counsel for the FTC, with two accompanying
18 attachments, dated October 28, 2024.

19
20 I declare under penalty of perjury that the foregoing is true and correct.

21 Executed on November 5, 2024, in Denver, CO.

22
23 s/ Michael Baker
24 Michael Baker